

AMENDED IN ASSEMBLY MAY 8, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 430

Introduced by Assembly Member Benoit

February 16, 2007

An act to amend Section 68152 of the Government Code, to amend Sections 488 and 670 of the Insurance Code, to amend Sections 1192.8, 1203.45, 1463.14, 1463.16, and 1463.17 of the Penal Code, and to amend Sections 11110, 11215, 12810, 13201, 13351, 13352, 14601, 21051, ~~21107.8~~, 23103, 23104, ~~40000.15~~, ~~40303~~, 40800, 40804, 41610, 42008, 42008.5, 42009, and 42010 of, ~~and to repeal and add Section 23109.2 of~~, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 430, as amended, Benoit. Vehicles: speed contests and reckless driving.

(1) Existing law, ~~effective January 1, 2007~~, requires persons convicted of either reckless driving, or of engaging in motor vehicle speed contests, that proximately cause one or more of various specified injuries to a person, other than the driver, to be punished by imprisonment in the state prison, or by imprisonment in a county jail for not less than 30 days nor more than 6 months, or by a specified fine, or by both the fine and imprisonment. Any violation of the Vehicle Code is a crime.

This bill would include one or both of those crimes within the scope of various existing statutes including, among others, provisions relating to time limits for destruction of court records; exceptions to requirements that insurance companies not raise premium rates where the insured or applicant has been convicted of a traffic violation while driving an employer's vehicle during the course and scope of employment;

exceptions to requirements that insurance companies not cancel or refuse to renew commercial motor vehicle liability policies where employed drivers have been convicted of traffic violations while driving vehicles not owned or leased by the employer; prohibiting plea bargaining; allocation of specified fines to certain programs; suspension or revocation of driver's licenses; violation point counts and penalties; arrest procedures; and voluntary county amnesty programs.

~~(2) Existing law allows a peace officer to arrest and take into custody a person that a peace officer determines was engaged in a motor vehicle speed contest and permits the peace officer to cause the removal and seizure of the motor vehicle used in the contest, in accordance with specified statutory procedures. A vehicle impounded under these provisions is required to be impounded for not more than 30 days, with specified exceptions. Existing law permits the release of the motor vehicle prior to the end of the impoundment period in specified circumstances. The registered owner or his or her agent is responsible for, among other things, all towing and storage charges related to the impoundment and any authorized administrative charges, except under specified circumstances.~~

~~This bill would extend those provisions to persons engaged in reckless driving on a highway or in an offstreet parking facility, or an exhibition of speed on a highway. It would require the impounding agency to release the vehicle to the registered owner prior to the conclusion of the impoundment period if the registered owner was neither the driver nor a passenger in the vehicle at the time of the alleged violation, or was unaware that the vehicle was being used to engage in the prohibited activities.~~

~~(3)~~

~~(2) Because this bill would increase penalties for crimes and require additional duties on local governments, the bill would impose a state-mandated local program.~~

~~(4)~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs~~

so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 68152 of the Government Code is
- 2 amended to read:
- 3 68152. The trial court clerk may destroy court records under
- 4 Section 68153 after notice of destruction and if there is no request
- 5 and order for transfer of the records, except the comprehensive
- 6 historical and sample superior court records preserved for research
- 7 under the California Rules of Court, when the following times
- 8 have expired after final disposition of the case in the categories
- 9 listed:
- 10 (a) Adoption: retain permanently.
- 11 (b) Change of name: retain permanently.
- 12 (c) Other civil actions and proceedings, as follows:
- 13 (1) Except as otherwise specified: 10 years.
- 14 (2) Where a party appears by a guardian ad litem: 10 years after
- 15 termination of the court's jurisdiction.
- 16 (3) Domestic violence: same period as duration of the restraining
- 17 or other orders and renewals, then retain the restraining or other
- 18 orders as a judgment; 60 days after expiration of the temporary
- 19 protective or temporary restraining order.
- 20 (4) Eminent domain: retain permanently.
- 21 (5) Family law, except as otherwise specified: 30 years.
- 22 (6) Harassment: same period as duration of the injunction and
- 23 renewals, then retain the injunction as a judgment; 60 days after
- 24 expiration of the temporary restraining order.
- 25 (7) Mental health (Lanterman Developmental Disabilities
- 26 Services Act and Lanterman-Petris-Short Act): 30 years.
- 27 (8) Paternity: retain permanently.
- 28 (9) Petition, except as otherwise specified: 10 years.
- 29 (10) Real property other than unlawful detainer: retain
- 30 permanently if the action affects title or an interest in real property.
- 31 (11) Small claims: 10 years.
- 32 (12) Unlawful detainer: one year if judgment is for possession
- 33 of the premises; 10 years if judgment is for money.

(d) Notwithstanding subdivision (c), any civil or small claims case in the trial court:

(1) Involuntarily dismissed by the court for delay in prosecution or failure to comply with state or local rules: one year.

(2) Voluntarily dismissed by a party without entry of judgment: one year.

Notation of the dismissal shall be made on the civil index of cases or on a separate dismissal index.

(e) Criminal.

(1) Capital felony (murder with special circumstances where the prosecution seeks the death penalty): retain permanently. If the charge is disposed of by acquittal or a sentence less than death, the case shall be reclassified.

(2) Felony, except as otherwise specified: 75 years.

(3) Felony, except capital felony, with court records from the initial complaint through the preliminary hearing or plea and for which the case file does not include final sentencing or other final disposition of the case because the case was bound over to the superior court: five years.

(4) Misdemeanor, except as otherwise specified: five years.

(5) Misdemeanor alleging a violation of the Vehicle Code, except as otherwise specified: three years.

(6) Misdemeanor alleging a violation of Section 23103, 23152, or 23153 of the Vehicle Code: 10 years.

(7) Misdemeanor alleging a violation of Section 14601, 14601.1, 20002, 23104, 23105, 23109, or 23109.1 of the Vehicle Code: five years.

(8) Misdemeanor alleging a marijuana violation under subdivision (b), (c), (d), or (e) of Section 11357 of the Health and Safety Code, or subdivision (b) of Section 11360 of the Health and Safety Code in accordance with the procedure set forth in Section 11361.5 of the Health and Safety Code: records shall be destroyed two years from the date of conviction or from the date of arrest if no conviction.

(9) Misdemeanor, infraction, or civil action alleging a violation of the regulation and licensing of dogs under Sections 30951 to 30956, inclusive, of the Food and Agricultural Code or violation of any other local ordinance: three years.

(10) Infraction, except as otherwise specified: three years.

1 (11) Parking infractions, including alleged violations under the
2 stopping, standing, and parking provisions set forth in Chapter 9
3 (commencing with Section 22500) of Division 11 of the Vehicle
4 Code: two years.

5 (12) Misdemeanor action resulting in a requirement that the
6 defendant register as a sex offender pursuant to Section 290 of the
7 Penal Code: 75 years. This paragraph shall apply to records relating
8 to a person convicted on or after the effective date of Senate Bill
9 ~~1128 of the 2005-06 Regular Session~~. *September 20, 2006*.

10 (f) Habeas corpus: same period as period for retention of the
11 records in the underlying case category.

12 (g) Juvenile.

13 (1) Dependent (Section 300 of the Welfare and Institutions
14 Code): upon reaching age 28 or on written request shall be released
15 to the juvenile five years after jurisdiction over the person has
16 terminated under subdivision (a) of Section 826 of the Welfare
17 and Institutions Code. Sealed records shall be destroyed upon court
18 order five years after the records have been sealed pursuant to
19 subdivision (c) of Section 389 of the Welfare and Institutions Code.

20 (2) Ward (Section 601 of the Welfare and Institutions Code):
21 upon reaching age 21 or on written request shall be released to the
22 juvenile five years after jurisdiction over the person has terminated
23 under subdivision (a) of Section 826 of the Welfare and Institutions
24 Code. Sealed records shall be destroyed upon court order five years
25 after the records have been sealed under subdivision (d) of Section
26 781 of the Welfare and Institutions Code.

27 (3) Ward (Section 602 of the Welfare and Institutions Code):
28 upon reaching age 38 under subdivision (a) of Section 826 of the
29 Welfare and Institutions Code. Sealed records shall be destroyed
30 upon court order when the subject of the record reaches the age
31 of 38 under subdivision (d) of Section 781 of the Welfare and
32 Institutions Code.

33 (4) Traffic and some nontraffic misdemeanors and infractions
34 (Section 601 of the Welfare and Institutions Code): upon reaching
35 age 21 or five years after jurisdiction over the person has terminated
36 under subdivision (c) of Section 826 of the Welfare and Institutions
37 Code. May be microfilmed or photocopied.

38 (5) Marijuana misdemeanor under subdivision (e) of Section
39 11357 of the Health and Safety Code in accordance with procedures

- 1 specified in subdivision (a) of Section 11361.5 of the Health and
2 Safety Code: upon reaching age 18 the records shall be destroyed.
- 3 (h) Probate.
- 4 (1) Conservatorship: 10 years after decree of termination.
- 5 (2) Guardianship: 10 years after the age of 18.
- 6 (3) Probate, including probated wills, except as otherwise
7 specified: retain permanently.
- 8 (i) Court records of the appellate division of the superior court:
9 five years.
- 10 (j) Other records.
- 11 (1) Applications in forma pauperis: any time after the disposition
12 of the underlying case.
- 13 (2) Arrest warrant: same period as period for retention of the
14 records in the underlying case category.
- 15 (3) Bench warrant: same period as period for retention of the
16 records in the underlying case category.
- 17 (4) Bond: three years after exoneration and release.
- 18 (5) Coroner's inquest report: same period as period for retention
19 of the records in the underlying case category; if no case, then
20 permanent.
- 21 (6) Court orders not associated with an underlying case, such
22 as orders for destruction of court records for telephone taps, or to
23 destroy drugs, and other miscellaneous court orders: three years.
- 24 (7) Court reporter notes: 10 years after the notes have been taken
25 in criminal and juvenile proceedings and five years after the notes
26 have been taken in all other proceedings, except notes reporting
27 proceedings in capital felony cases (murder with special
28 circumstances where the prosecution seeks the death penalty and
29 the sentence is death), including notes reporting the preliminary
30 hearing, which shall be retained permanently, unless the Supreme
31 Court on request of the court clerk authorizes the destruction.
- 32 (8) Electronic recordings made as the official record of the oral
33 proceedings under the California Rules of Court: any time after
34 final disposition of the case in infraction and misdemeanor
35 proceedings, 10 years in all other criminal proceedings, and five
36 years in all other proceedings.
- 37 (9) Electronic recordings not made as the official record of the
38 oral proceedings under the California Rules of Court: any time
39 either before or after final disposition of the case.
- 40 (10) Index, except as otherwise specified: retain permanently.

1 (11) Index for cases alleging traffic violations: same period as
2 period for retention of the records in the underlying case category.

3 (12) Judgments within the jurisdiction of the superior court
4 other than in a limited civil case, misdemeanor case, or infraction
5 case: retain permanently.

6 (13) Judgments in misdemeanor cases, infraction cases, and
7 limited civil cases: same period as period for retention of the
8 records in the underlying case category.

9 (14) Minutes: same period as period for retention of the records
10 in the underlying case category.

11 (15) Naturalization index: retain permanently.

12 (16) Ninety-day evaluation (under Section 1203.03 of the Penal
13 Code): same period as period for retention of the records in the
14 underlying case category, or period for completion or termination
15 of probation, whichever is longer.

16 (17) Register of actions or docket: same period as period for
17 retention of the records in the underlying case category, but in no
18 event less than 10 years for civil and small claims cases.

19 (18) Search warrant: 10 years, except search warrants issued in
20 connection with a capital felony case defined in paragraph (7),
21 which shall be retained permanently.

22 (k) Retention of the court records under this section shall be
23 extended as follows:

24 (1) By order of the court on its own motion, or on application
25 of a party or an interested member of the public for good cause
26 shown and on those terms as are just. A fee shall not be charged
27 for making the application.

28 (2) Upon application and order for renewal of the judgment to
29 the extended time for enforcing the judgment.

30 SEC. 2. Section 488 of the Insurance Code is amended to read:

31 488. No insurer shall, in issuing or renewing a private passenger
32 automobile insurance policy, increase the premium on that policy
33 for the reason that the insured or applicant for insurance has been
34 convicted for traffic violations committed while operating a motor
35 vehicle for compensation during the hours of his employment if,
36 with respect to a conviction, the employee or applicant has
37 submitted to the insurer a written declaration made by the employee
38 under penalty of perjury that the applicant or insured was, at that
39 time, operating a motor vehicle for compensation during the hours
40 of his or her employment. This section applies only to those

1 individuals whose specific duties include driving their employer's
2 motor vehicles or individuals who have authority in their name
3 from the Public Utilities Commission to operate as a highway
4 carrier and who are the registered owners or lease operators of the
5 motor vehicle used in the operation as a highway carrier.

6 This section does not apply to an insured or applicant for
7 insurance convicted of any of the following:

8 (a) Homicide or assault arising out of the operation of a motor
9 vehicle for compensation during the hours of employment.

10 (b) A violation while operating a motor vehicle for compensation
11 during the hours of employment of any of the following sections
12 or section subdivisions of the Vehicle Code:

13 (1) Subdivision (a) of Section 14601.

14 (2) Subdivision (a) of Section 14601.1.

15 (3) Subdivision (a) of Section 14601.2.

16 (4) Section 20001 or 20002.

17 (5) Subdivision (a) of Section 20008.

18 (6) Section 23103, 23104, 23105, 23152, or 23153.

19 (c) This section shall not apply to a person insured under the
20 California assigned risk plan prescribed by Article 4 (commencing
21 with Section 11620) of Chapter 1 of Part 3 of Division 2.

22 SEC. 3. Section 670 of the Insurance Code is amended to read:

23 670. (a) No admitted insurer licensed to issue motor vehicle
24 liability policies, as defined in Section 16450 of the Vehicle Code,
25 shall cancel, or refuse to renew, a motor vehicle liability insurance
26 policy covering drivers hired to drive by a commercial business
27 establishment nor execute the agreement specified in paragraph
28 (1) of subdivision (d) of Section 11580.1 with respect to those
29 drivers for the reason that those drivers have been convicted of
30 violations of the Vehicle Code or the traffic laws of any subdivision
31 of the state that were committed while operating private passenger
32 vehicles not owned or leased by their employer.

33 (b) This section does not apply to drivers convicted of any of
34 the following:

35 (1) Homicide or assault arising out of the operation of a private
36 passenger motor vehicle.

37 (2) A violation while operating a private passenger motor vehicle
38 of any of the following sections or section subdivisions of the
39 Vehicle Code:

40 (A) Subdivision (a) of Section 14601.

- 1 (B) Subdivision (a) of Section 14601.1.
- 2 (C) Subdivision (a) of Section 14601.2.
- 3 (D) Section 20001 or 20002.
- 4 (E) Subdivision (a) of Section 20008.
- 5 (F) Section 23104 or 23105.
- 6 (G) Subdivision (c) of Section 23152.
- 7 (H) Section 23153.

8 (3) A violation, while operating a private passenger motor
9 vehicle, of subdivision (a) or (b) of Section 23152 of the Vehicle
10 Code punishable under Section 23540 or 23546 of the Vehicle
11 Code.

12 SEC. 4. Section 1192.8 of the Penal Code is amended to read:

13 1192.8. (a) For purposes of subdivision (c) of Section 1192.7,
14 “serious felony” also means a violation of Section 191.5, paragraph
15 (1) or (3) of subdivision (c) of Section 192, paragraph (a) or (c)
16 of Section 192.5 of this code, Section 2800.3, subdivision (b) of
17 Section 23104, Section 23105, or Section 23153 of the Vehicle
18 Code, when any of these offenses involve the personal infliction
19 of great bodily injury on a person other than an accomplice, or the
20 personal use of a dangerous or deadly weapon, within the meaning
21 of paragraph (8) or (23) of subdivision (c) of Section 1192.7.

22 (b) It is the intent of the Legislature, in enacting subdivision
23 (a), to codify the court decisions of *People v. Gonzales* (1994) 29
24 Cal.App.4th 1684, and *People v. Bow* (1993) 13 Cal.App.4th
25 1551, and to clarify that the crimes specified in subdivision (a)
26 have always been, and continue to be, serious felonies within the
27 meaning of subdivision (c) of Section 1192.7.

28 SEC. 5. Section 1203.45 of the Penal Code is amended to read:

29 1203.45. (a) In a case in which a person was under the age of
30 18 years at the time of commission of a misdemeanor and is eligible
31 for, or has previously received, the relief provided by Section
32 1203.4 or 1203.4a, that person, in a proceeding under Section
33 1203.4 or 1203.4a, or a separate proceeding, may petition the court
34 for an order sealing the record of conviction and other official
35 records in the case, including records of arrests resulting in the
36 criminal proceeding and records relating to other offenses charged
37 in the accusatory pleading, whether defendant was acquitted or
38 charges were dismissed. If the court finds that the person was under
39 the age of 18 at the time of the commission of the misdemeanor,
40 and is eligible for relief under Section 1203.4 or 1203.4a or has

1 previously received that relief, it may issue its order granting the
2 relief prayed for. Thereafter the conviction, arrest, or other
3 proceeding shall be deemed not to have occurred, and the petitioner
4 may answer accordingly any question relating to their occurrence.

5 (b) This section applies to convictions that occurred before, as
6 well as those that occur after, the effective date of this section.

7 (c) This section shall not apply to offenses for which registration
8 is required under Section 290, to violations of Division 10
9 (commencing with Section 11000) of the Health and Safety Code,
10 or to misdemeanor violations of the Vehicle Code relating to
11 operation of a vehicle or of a local ordinance relating to operation,
12 standing, stopping, or parking of a motor vehicle.

13 (d) This section does not apply to a person convicted of more
14 than one offense, whether the second or additional convictions
15 occurred in the same action in which the conviction as to which
16 relief is sought occurred or in another action, except in the
17 following cases:

18 (1) One of the offenses includes the other or others.

19 (2) The other conviction or convictions were for the following:

20 (A) Misdemeanor violations of Chapters 1 (commencing with
21 Section 21000) to 9 (commencing with Section 22500), inclusive,
22 Chapter 12 (commencing with Section 23100), or Chapter 13
23 (commencing with Section 23250) of Division 11 of the Vehicle
24 Code, other than Section 23103, 23104, 23105, 23152, 23153, or
25 23220.

26 (B) Violation of a local ordinance relating to the operation,
27 stopping, standing, or parking of a motor vehicle.

28 (3) The other conviction or convictions consisted of any
29 combination of paragraphs (1) and (2).

30 (e) This section shall apply in a case in which a person was
31 under the age of 21 at the time of the commission of an offense as
32 to which this section is made applicable if that offense was
33 committed prior to March 7, 1973.

34 (f) In an action or proceeding based upon defamation, a court,
35 upon a showing of good cause, may order the records sealed under
36 this section to be opened and admitted into evidence. The records
37 shall be confidential and shall be available for inspection only by
38 the court, jury, parties, counsel for the parties, and any other person
39 who is authorized by the court to inspect them. Upon the judgment

1 in the action or proceeding becoming final, the court shall order
2 the records sealed.

3 (g) A person who petitions for an order sealing a record under
4 this section may be required to reimburse the court for the actual
5 cost of services rendered, whether or not the petition is granted
6 and the records are sealed or expunged, at a rate to be determined
7 by the court not to exceed one hundred twenty dollars (\$120), and
8 to reimburse the county for the actual cost of services rendered,
9 whether or not the petition is granted and the records are sealed
10 or expunged, at a rate to be determined by the county board of
11 supervisors not to exceed one hundred twenty dollars (\$120), and
12 to reimburse any city for the actual cost of services rendered,
13 whether or not the petition is granted and the records are sealed
14 or expunged, at a rate to be determined by the city council not to
15 exceed one hundred twenty dollars (\$120). Ability to make this
16 reimbursement shall be determined by the court using the standards
17 set forth in paragraph (2) of subdivision (g) of Section 987.8 and
18 shall not be a prerequisite to a person's eligibility under this
19 section. The court may order reimbursement in a case in which
20 the petitioner appears to have the ability to pay, without undue
21 hardship, all or any portion of the cost for services established
22 pursuant to this subdivision.

23 SEC. 6. Section 1463.14 of the Penal Code is amended to read:

24 1463.14. (a) Notwithstanding the provisions of Section 1463,
25 of the moneys deposited with the county treasurer pursuant to
26 Section 1463, fifty dollars (\$50) of each fine collected for each
27 conviction of a violation of Section 23103, 23104, 23105, 23152,
28 or 23153 of the Vehicle Code shall be deposited in a special
29 account that shall be used exclusively to pay for the cost of
30 performing for the county, or a city or special district within the
31 county, analysis of blood, breath or urine for alcohol content or
32 for the presence of drugs, or for services related to that testing.
33 The sum shall not exceed the reasonable cost of providing the
34 services for which the sum is intended.

35 On November 1 of each year, the treasurer of each county shall
36 determine those moneys in the special account that were not
37 expended during the preceding fiscal year, and shall transfer those
38 moneys into the general fund of the county. The board of
39 supervisors may, by resolution, assign the treasurer's duty to
40 determine the amount of money that was not expended to the

auditor or another county officer. The county may retain an amount of that money equal to its administrative cost incurred pursuant to this section, and shall distribute the remainder pursuant to Section 1463. If the account becomes exhausted, the public entity ordering a test performed pursuant to this subdivision shall bear the costs of the test.

(b) The board of supervisors of a county may, by resolution, authorize an additional penalty upon each defendant convicted of a violation of Section 23152 or 23153 of the Vehicle Code, of an amount equal to the cost of testing for alcohol content, less the fifty dollars (\$50) deposited as provided in subdivision (a). The additional penalty authorized by this subdivision shall be imposed only in those instances where the defendant has the ability to pay, but in no case shall the defendant be ordered to pay a penalty in excess of fifty dollars (\$50). The penalty authorized shall be deposited directly with the county, or city or special district within the county, that performed the test, in the special account described in subdivision (a), and shall not be the basis for an additional assessment pursuant to Section 1464, or Chapter 12 (commencing with Section 76010) of Title 8 of the Government Code.

For purposes of this subdivision, “ability to pay” means the overall capability of the defendant to pay the additional penalty authorized by this subdivision, taking into consideration all of the following:

(1) Present financial obligations, including family support obligations, and fines, penalties, and other obligations to the court.

(2) Reasonably discernible future financial position over the next 12 months.

(3) Any other factor or factors that may bear upon the defendant’s financial ability to pay the additional penalty.

(c) The Department of Justice shall promulgate rules and regulations to implement the provisions of this section.

SEC. 7. Section 1463.16 of the Penal Code is amended to read:

1463.16. (a) Notwithstanding Section 1203.1 or 1463, fifty dollars (\$50) of each fine collected for each conviction of a violation of Section 23103, 23104, 23105, 23152, or 23153 of the Vehicle Code shall be deposited with the county treasurer in a special account for exclusive allocation by the county for the county’s alcoholism program, with approval of the board of supervisors, for alcohol programs and services for the general

1 population. These funds shall be allocated through the local
2 planning process pursuant to specific provision in the county
3 alcohol program plan that is submitted to the State Department of
4 Alcohol and Drug Programs. Programs shall be certified by the
5 Department of Alcohol and Drug Programs or have made
6 application for certification to be eligible for funding under this
7 section. The county shall implement the intent and procedures of
8 subdivision (b) of Section 11812 of the Health and Safety Code
9 while distributing funds under this section.

10 (b) In a county of the 1st, 2nd, 3rd, 15th, 19th, 20th, or 24th
11 class, notwithstanding Section 1463, of the moneys deposited with
12 the county treasurer pursuant to Section 1463, fifty dollars (\$50)
13 for each conviction of a violation of Section 23103, 23104, 23105,
14 23152, or 23153 of the Vehicle Code shall be deposited in a special
15 account for exclusive allocation by the administrator of the
16 county's alcoholism program, with approval of the board of
17 supervisors, for alcohol programs and services for the general
18 population. These funds shall be allocated through the local
19 planning process pursuant to a specific provision in the county
20 plan that is submitted to the State Department of Alcohol and Drug
21 Programs. For those services for which standards have been
22 developed and certification is available, programs shall be certified
23 by the State Department of Alcohol and Drug Programs or shall
24 apply for certification to be eligible for funding under this section.
25 The county alcohol administrator shall implement the intent and
26 procedures of subdivision (b) of Section 11812 of the Health and
27 Safety Code while distributing funds under this section.

28 (c) The Board of Supervisors of Contra Costa County may, by
29 resolution, authorize the imposition of a fifty dollar (\$50)
30 assessment by the court upon each defendant convicted of a
31 violation of Section 23152 or 23153 of the Vehicle Code for
32 deposit in the account from which the fifty dollar (\$50) distribution
33 specified in subdivision (a) is deducted.

34 (d) It is the specific intent of the Legislature that funds expended
35 under this part shall be used for ongoing alcoholism program
36 services as well as for contracts with private nonprofit
37 organizations to upgrade facilities to meet state certification and
38 state licensing standards and federal nondiscrimination regulations
39 relating to accessibility for handicapped persons.

(e) Counties may retain up to 5 percent of the funds collected to offset administrative costs of collection and disbursement.

SEC. 8. Section 1463.17 of the Penal Code is amended to read:

1463.17. (a) In a county of the 19th class, notwithstanding any other provision of this chapter, of the moneys deposited with the county treasurer pursuant to Section 1463, fifty dollars (\$50) for each conviction of a violation of Section 23103, 23104, 23105, 23152, or 23153 of the Vehicle Code shall be deposited in a special account to be used exclusively to pay the cost incurred by the county or a city or special district within the county, with approval of the board of supervisors, for performing analysis of blood, breath, or urine for alcohol content or for the presence of drugs, or for services related to the testing.

(b) The application of this section shall not reduce the county's remittance to the state specified in paragraph (2) of subdivision (b) of Section 77201 of, and paragraph (2) of subdivision (b) of, Section 77201.1 of the Government Code.

SEC. 9. Section 11110 of the Vehicle Code is amended to read:

11110. (a) The department, after notice and hearing, may suspend or revoke a license issued under this chapter if any of the following occur:

(1) The department finds and determines that the licensee fails to meet the requirements to receive or hold a license under this chapter.

(2) The licensee fails to keep the records required by this chapter.

(3) The licensee (A) permits fraud or engages in fraudulent practices either with reference to an applicant for a driver's license or an all-terrain vehicle safety certificate or the department, or (B) induces or countenances fraud or fraudulent practices on the part of an applicant.

(4) The licensee fails to comply with this chapter or regulation or requirement of the department adopted pursuant thereto.

(5) The licensee represents himself or herself as an agent or employee of the department or uses advertising designed to create the impression, or that would reasonably have the effect of leading persons to believe, that the licensee is in fact an employee or representative of the department; or the licensee makes an advertisement, in any manner or by any means, that is untrue or

1 misleading and that is known, or which by the exercise of
2 reasonable care should be known, to be untrue or misleading.

3 (6) The licensee, or an employee or agent of the licensee, solicits
4 driver training or instruction or all-terrain vehicle safety instruction
5 in, or within 200 feet of, an office of the department.

6 (7) The licensee is convicted of violating Section 14606, 20001,
7 20002, 20003, 20004, 20006, 20008, 23103, 23104, 23105, 23152,
8 or 23153 of this code or subdivision (c) of Section 192 of the Penal
9 Code. A conviction, after a plea of nolo contendere, is a conviction
10 within the meaning of this paragraph.

11 (8) The licensee teaches, or permits a student to be taught, the
12 specific tests administered by the department through use of the
13 department's forms or testing facilities.

14 (9) The licensee conducts training, or permits training by an
15 employee, in an unsafe manner or contrary to safe driving practices.

16 (10) The licensed school owner or licensed driving school
17 operator teaches, or permits an employee to teach, driving
18 instruction or all-terrain vehicle safety instruction without a valid
19 instructor's license.

20 (11) The licensed school owner does not have in effect a bond
21 as required by Section 11102.

22 (12) The licensee permits the use of the license by any other
23 person for the purpose of permitting that person to engage in the
24 ownership or operation of a school or in the giving of driving
25 instruction or all-terrain vehicle safety instruction for
26 compensation.

27 (13) The licensee holds a secondary teaching credential and
28 explicitly or implicitly recruits or attempts to recruit a pupil who
29 is enrolled in a junior or senior high school to be a customer for a
30 business licensed pursuant to this article that is owned by the
31 licensee or for which the licensee is an employee.

32 (b) In the interest of the public's safety, as determined by the
33 department, the department may immediately suspend the license
34 of a licensee for an alleged violation under this chapter and shall
35 conduct a hearing of the alleged violation within 30 days of the
36 suspension.

37 SEC. 10. Section 11215 of the Vehicle Code is amended to
38 read:

1 11215. The department, after notice and hearing, may suspend
2 or revoke a license issued under this chapter if any of the following
3 circumstances exist:

4 (a) The department finds and determines that the licensee ceases
5 to meet any requirement to obtain a license under this chapter.

6 (b) The holder fails to comply with, or otherwise violates, a
7 provision of this chapter or a regulation or requirement of the
8 department adopted pursuant to this chapter.

9 (c) The licensee engages in fraudulent practices with respect to
10 its activities licensed under this chapter or induces or fails to
11 promptly report to the department any known fraud or fraudulent
12 practices on the part of an employee of the traffic violator school.

13 (d) The licensee represents himself or herself as an agent or
14 employee of the department or uses advertising designed to create
15 the impression, or that would reasonably have the effect of leading
16 persons to believe that the licensee was in fact an employee or
17 representative of the department, or whenever the licensee
18 advertises, in any manner or means any statement that is untrue
19 or misleading and that is known, or that by the exercise of
20 reasonable care should be known, to be untrue or misleading.

21 (e) The licensee or an employee or agent of the licensee collects
22 fees for or preregisters a person in traffic violator school or solicits
23 traffic violator school instruction in an office of the department or
24 in any court or within 500 feet of any court.

25 (f) The licensee is convicted of violating Section 20001, 20002,
26 20003, 20004, 20006, 20008, 23103, 23104, 23105, 23152, or
27 23153 of this code or Section 192 of the Penal Code. A conviction
28 after a plea of nolo contendere is a conviction within the meaning
29 of this section.

30 (g) The traffic violator school owner teaches, or permits an
31 employee to teach, traffic safety instruction without a valid
32 instructor's license.

33 (h) The traffic violator school owner does not have in effect a
34 bond as provided in paragraph (3) of subdivision (a) of Section
35 11202 or a deposit in lieu of the bond, as specified in Section
36 11203.

37 SEC. 11. Section 12810 of the Vehicle Code is amended to
38 read:

39 12810. In determining the violation point count, the following
40 shall apply:

1 (a) A conviction of failure to stop in the event of an accident in
2 violation of Section 20001 or 20002 shall be given a value of two
3 points.

4 (b) A conviction of a violation of Section 23152 or 23153 shall
5 be given a value of two points.

6 (c) A conviction of reckless driving shall be given a value of
7 two points.

8 (d) (1) A conviction of a violation of subdivision (c) of Section
9 192 of the Penal Code, or of Section 2800.2 or 2800.3, subdivision
10 (b) of Section 21651, subdivision (b) of Section 22348, subdivision
11 (a) or (c) of Section 23109, Section 23109.1, or Section 31602 of
12 this code, shall be given a value of two points.

13 (2) A conviction of a violation of subdivision (a) or (b) of
14 Section 23140 shall be given a value of two points.

15 (e) A conviction of a violation of Section 14601, 14601.1,
16 14601.2, 14601.3, or 14601.5 shall be given a value of two points.

17 (f) Except as provided in subdivision (i), any other traffic
18 conviction involving the safe operation of a motor vehicle upon
19 the highway shall be given a value of one point.

20 (g) A traffic accident in which the operator is deemed by the
21 department to be responsible shall be given a value of one point.

22 (h) A conviction of a violation of Section 27360 or 27360.5
23 shall be given a value of one point.

24 (i) (1) A violation of paragraph (1), (2), (3), or (5) of subdivision
25 (b) of Section 40001 shall not result in a violation point count
26 being given to the driver if the driver is not the owner of the
27 vehicle.

28 (2) A conviction of a violation of paragraph (1) or (2) of
29 subdivision (b) of Section 12814.6, subdivision (a) of Section
30 21116, Section 21207.5, 21708, 21710, 21716, 23120, 24800, or
31 26707 shall not be given a violation point count.

32 (3) A violation of subdivision (d) of Section 21712 shall not
33 result in a violation point count.

34 (4) A violation of Section 23136 shall not result in a violation
35 point count.

36 (5) A violation of Section 38301.3 shall not result in a violation
37 point count.

38 (j) A conviction for only one violation arising from one occasion
39 of arrest or citation shall be counted in determining the violation
40 point count for the purposes of this section.

1 SEC. 12. Section 13201 of the Vehicle Code is amended to
2 read:

3 13201. A court may suspend, for not more than six months,
4 the privilege of a person to operate a motor vehicle upon conviction
5 of any of the following offenses:

6 (a) Failure of the driver of a vehicle involved in an accident to
7 stop or otherwise comply with Section 20002.

8 (b) Reckless driving proximately causing bodily injury to a
9 person under Section 23104 or 23105.

10 (c) Failure of the driver of a vehicle to stop at a railway grade
11 crossing as required by Section 22452.

12 (d) Evading a peace officer in violation of Section 2800.1 or
13 2800.2, or in violation of Section 2800.3 if the person's license is
14 not revoked for that violation pursuant to paragraph (3) of
15 subdivision (a) of Section 13351.

16 (e) (1) Knowingly causing or participating in a vehicular
17 collision, or any other vehicular accident, for the purpose of
18 presenting or causing to be presented any false or fraudulent
19 insurance claim.

20 (2) In lieu of suspending a person's driving privilege pursuant
21 to paragraph (1), the court may order the privilege to operate a
22 motor vehicle restricted to necessary travel to and from that
23 person's place of employment for not more than six months. If
24 driving a motor vehicle is necessary to perform the duties of the
25 person's employment, the court may restrict the driving privilege
26 to allow driving in that person's scope of employment. Whenever
27 a person's driving privilege is restricted pursuant to this paragraph,
28 the person shall be required to maintain proof of financial
29 responsibility.

30 SEC. 13. Section 13351 of the Vehicle Code is amended to
31 read:

32 13351. (a) The department immediately shall revoke the
33 privilege of a person to drive a motor vehicle upon receipt of a
34 duly certified abstract of the record of any court showing that the
35 person has been convicted of any of the following crimes or
36 offenses:

37 (1) Manslaughter resulting from the operation of a motor vehicle,
38 except when convicted under paragraph (2) of subdivision (c) of
39 Section 192 of the Penal Code.

1 (2) Conviction of three or more violations of Section 20001,
2 20002, 23103, 23104, or 23105 within a period of 12 months from
3 the time of the first offense to the third or subsequent offense, or
4 a combination of three or more convictions of violations within
5 the same period.

6 (3) Violation of Section 191.5 of the Penal Code or of Section
7 2800.3 causing serious bodily injury resulting in a serious
8 impairment of physical condition, including, but not limited to,
9 loss of consciousness, concussion, serious bone fracture, protracted
10 loss or impairment of function of any bodily member or organ,
11 and serious disfigurement.

12 (b) The department shall not reinstate the privilege revoked
13 under subdivision (a) until the expiration of three years after the
14 date of revocation and until the person whose privilege was revoked
15 gives proof of financial responsibility, as defined in Section 16430.

16 SEC. 14. Section 13352 of the Vehicle Code is amended to
17 read:

18 13352. (a) The department shall immediately suspend or
19 revoke the privilege of a person to operate a motor vehicle upon
20 the receipt of an abstract of the record of a court showing that the
21 person has been convicted of a violation of Section 23152 or 23153,
22 subdivision (a) of Section 23109, or Section 23109.1, or upon the
23 receipt of a report of a judge of the juvenile court, a juvenile traffic
24 hearing officer, or a referee of a juvenile court showing that the
25 person has been found to have committed a violation of Section
26 23152 or 23153 or subdivision (a) of Section 23109 or Section
27 23109.1. If an offense specified in this section occurs in a vehicle
28 defined in Section 15210, the suspension or revocation specified
29 below shall apply to the noncommercial driving privilege. The
30 commercial driving privilege shall be disqualified as specified in
31 Sections 15300 to 15302, inclusive. For the purposes of this
32 section, suspension or revocation shall be as follows:

33 (1) Except as required under Section 13352.1 or Section
34 13352.4, upon a conviction or finding of a violation of Section
35 23152 punishable under Section 23536, the privilege shall be
36 suspended for a period of six months.

37 The privilege may not be reinstated until the person gives proof
38 of financial responsibility and gives proof satisfactory to the
39 department of successful completion of a
40 driving-under-the-influence program licensed pursuant to Section

1 11836 of the Health and Safety Code described in subdivision (b)
2 of Section 23538. If the court, as authorized under paragraph (3)
3 of subdivision (b) of Section 23646, elects to order a person to
4 enroll, participate and complete either program described in
5 subdivision (b) of Section 23542, the department shall require that
6 program in lieu of the program described in subdivision (b) of
7 Section 23538. For the purposes of this paragraph, enrollment,
8 participation, and completion of an approved program shall be
9 subsequent to the date of the current violation. Credit may not be
10 given to any program activities completed prior to the date of the
11 current violation.

12 (2) Upon a conviction or finding of a violation of Section 23153
13 punishable under Section 23554, the privilege shall be suspended
14 for a period of one year. The privilege may not be reinstated until
15 the person gives proof of financial responsibility and gives proof
16 satisfactory to the department of successful completion of a
17 driving-under-the-influence program licensed pursuant to Section
18 11836 of the Health and Safety Code as described in subdivision
19 (b) of Section 23556. If the court, as authorized under paragraph
20 (3) of subdivision (b) of Section 23646, elects to order a person
21 to enroll, participate, and complete either program described in
22 subdivision (b) of Section 23542, the department shall require that
23 program in lieu of the program described in Section 23556. For
24 the purposes of this paragraph, enrollment, participation, and
25 completion of an approved program shall be subsequent to the date
26 of the current violation. Credit may not be given to any program
27 activities completed prior to the date of the current violation.

28 (3) Except as provided in Section 13352.5, upon a conviction
29 or finding of a violation of Section 23152 punishable under Section
30 23540, the privilege shall be suspended for two years. The privilege
31 may not be reinstated until the person gives proof of financial
32 responsibility and gives proof satisfactory to the department of
33 successful completion of a driving-under-the-influence program
34 licensed pursuant to Section 11836 of the Health and Safety Code
35 as described in subdivision (b) of Section 23542. For the purposes
36 of this paragraph, enrollment, participation, and completion of an
37 approved program shall be subsequent to the date of the current
38 violation. Credit shall not be given to any program activities
39 completed prior to the date of the current violation. The department
40 shall advise the person that after completion of 12 months of the

1 suspension period, which may include credit for a suspension
2 period served under subdivision (c) of Section 13353.3, the person
3 may apply to the department for a restricted driver's license, subject
4 to the following conditions:

5 (A) The person has satisfactorily provided, subsequent to the
6 violation date of the current underlying conviction, either of the
7 following:

8 (i) Proof of enrollment in an 18-month
9 driving-under-the-influence program licensed pursuant to Section
10 11836 of the Health and Safety Code.

11 (ii) Proof of enrollment in a 30-month
12 driving-under-the-influence program licensed pursuant to Section
13 11836 of the Health and Safety Code, if available in the county of
14 the person's residence or employment.

15 (B) The person agrees, as a condition of the restriction, to
16 continue satisfactory participation in the program described in
17 subparagraph (A).

18 (C) The person submits the "Verification of Installation" form
19 described in paragraph (2) of subdivision (g) of Section 13386.

20 (D) The person agrees to maintain the ignition interlock device
21 as required under subdivision (g) of Section 23575.

22 (E) The person provides proof of financial responsibility, as
23 defined in Section 16430.

24 (F) The person pays all administrative fees or reissue fees and
25 any restriction fee required by the department.

26 (G) The restriction shall remain in effect for the period required
27 in subdivision (f) of Section 23575.

28 (4) Except as provided in this paragraph, upon a conviction or
29 finding of a violation of Section 23153 punishable under Section
30 23560, the privilege shall be revoked for a period of three years.
31 The privilege may not be reinstated until the person gives proof
32 of financial responsibility, and the person gives proof satisfactory
33 to the department of successful completion of a
34 driving-under-the-influence program licensed pursuant to Section
35 11836 of the Health and Safety Code, as described in paragraph
36 (4) of subdivision (b) of Section 23562. For the purposes of this
37 paragraph, enrollment, participation, and completion of an
38 approved program shall be subsequent to the date of the current
39 violation. Credit shall not be given to any program activities
40 completed prior to the date of the current violation. The department

1 shall advise the person that after the completion of 12 months of
2 the revocation period, which may include credit for a suspension
3 period served under subdivision (c) of Section 13353.3, the person
4 may apply to the department for a restricted driver's license, subject
5 to the following conditions:

6 (A) The person has satisfactorily completed, subsequent to the
7 violation date of the current underlying conviction, either of the
8 following:

9 (i) The initial 12 months of an 18-month
10 driving-under-the-influence program licensed pursuant to Section
11 11836 of the Health and Safety Code.

12 (ii) The initial 12 months of a 30-month
13 driving-under-the-influence program licensed pursuant to Section
14 11836 of the Health and Safety Code, if available in the county of
15 the person's residence or employment, and the person agrees, as
16 a condition of the restriction, to continue satisfactory participation
17 in that 30-month program.

18 (B) The person submits the "Verification of Installation" form
19 described in paragraph (2) of subdivision (g) of Section 13386.

20 (C) The person agrees to maintain the ignition interlock device
21 as required under subdivision (g) of Section 23575.

22 (D) The person provides proof of financial responsibility, as
23 defined in Section 16430.

24 (E) The person pays all applicable reinstatement or reissue fees
25 and any restriction fee required by the department.

26 (F) The restriction shall remain in effect for the period required
27 in subdivision (f) of Section 23575.

28 (5) Except as provided in this paragraph, upon a conviction or
29 finding of a violation of Section 23152 punishable under Section
30 23546, the privilege shall be revoked for a period of three years.
31 The privilege may not be reinstated until the person files proof of
32 financial responsibility and gives proof satisfactory to the
33 department of successful completion of one of the following
34 programs: an 18-month driving-under-the-influence program
35 licensed pursuant to Section 11836 of the Health and Safety Code,
36 as described in subdivision (b) or (c) of Section 23548, or, if
37 available in the county of the person's residence or employment,
38 a 30-month driving-under-the-influence program licensed pursuant
39 to Section 11836 of the Health and Safety Code, or a program
40 specified in Section 8001 of the Penal Code. For the purposes of

1 this paragraph, enrollment, participation, and completion of an
2 approved program shall be subsequent to the date of the current
3 violation. Credit shall not be given to any program activities
4 completed prior to the date of the current violation. The department
5 shall advise the person that after completion of 12 months of the
6 revocation period, which may include credit for a suspension period
7 served under subdivision (c) of Section 13353.3, the person may
8 apply to the department for a restricted driver's license, subject to
9 the following conditions:

10 (A) The person has satisfactorily completed, subsequent to the
11 violation date of the current underlying conviction, either of the
12 following:

13 (i) The initial 12 months of an 18-month
14 driving-under-the-influence program licensed pursuant to Section
15 11836 of the Health and Safety Code.

16 (ii) The initial 12 months of a 30-month
17 driving-under-the-influence program licensed pursuant to Section
18 11836 of the Health and Safety Code, if available in the county of
19 the person's residence or employment, and the person agrees, as
20 a condition of the restriction, to continue satisfactory participation
21 in the 30-month driving-under-the-influence program.

22 (B) The person submits the "Verification of Installation" form
23 described in paragraph (2) of subdivision (g) of Section 13386.

24 (C) The person agrees to maintain the ignition interlock device
25 as required under subdivision (g) of Section 23575.

26 (D) The person provides proof of financial responsibility, as
27 defined in Section 16430.

28 (E) An individual convicted of a violation of Section 23152
29 punishable under Section 23546 may also, at any time after
30 sentencing, petition the court for referral to an 18-month
31 driving-under-the-influence program licensed pursuant to Section
32 11836 of the Health and Safety Code, or, if available in the county
33 of the person's residence or employment, a 30-month
34 driving-under-the-influence program licensed pursuant to Section
35 11836 of the Health and Safety Code. Unless good cause is shown,
36 the court shall order the referral.

37 (F) The person pays all applicable reinstatement or reissue fees
38 and any restriction fee required by the department.

39 (G) The restriction shall remain in effect for the period required
40 in subdivision (f) of Section 23575.

(6) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23153 punishable under Section 23550.5 or 23566, the privilege shall be revoked for a period of five years. The privilege may not be reinstated until the person gives proof of financial responsibility and proof satisfactory to the department of successful completion of one of the following programs: an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, as described in subdivision (b) of Section 23568 or, if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or a program specified in Section 8001 of the Penal Code. For the purposes of this paragraph, enrollment, participation, and completion of an approved program shall be subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that after the completion of 12 months of the revocation period, which may include credit for a suspension period served under subdivision (c) of Section 13353.3, the person may apply to the department for a restricted driver's license, subject to the following conditions:

(A) The person has satisfactorily completed, subsequent to the violation date of the current underlying conviction, either of the following:

(i) The initial 12 months of a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment, and the person agrees, as a condition of the restriction, to continue satisfactory participation in the 30-month driving-under-the-influence program.

(ii) The initial 12 months of an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if a 30-month program is unavailable in the person's county of residence or employment.

(B) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(C) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23575.

1 (D) The person provides proof of financial responsibility, as
2 defined in Section 16430.

3 (E) An individual convicted of a violation of Section 23153
4 punishable under Section 23566 may also, at any time after
5 sentencing, petition the court for referral to an 18-month
6 driving-under-the-influence program or, if available in the county
7 of the person's residence or employment, a 30-month
8 driving-under-the-influence program licensed pursuant to Section
9 11836 of the Health and Safety Code. Unless good cause is shown,
10 the court shall order the referral.

11 (F) The person pays all applicable reinstatement or reissue fees
12 and any restriction fee required by the department.

13 (G) The restriction shall remain in effect for the period required
14 in subdivision (f) of Section 23575.

15 (7) Except as provided in this paragraph, upon a conviction or
16 finding of a violation of Section 23152 punishable under Section
17 23550 or 23550.5, or Section 23153 punishable under Section
18 23550.5 the privilege shall be revoked for a period of four years.
19 The privilege may not be reinstated until the person gives proof
20 of financial responsibility and proof satisfactory to the department
21 of successful completion of one of the following programs: an
22 18-month driving-under-the-influence program licensed pursuant
23 to Section 11836 of the Health and Safety Code, or, if available
24 in the county of the person's residence or employment, a 30-month
25 driving-under-the-influence program licensed pursuant to Section
26 11836 of the Health and Safety Code, or a program specified in
27 Section 8001 of the Penal Code. For the purposes of this paragraph,
28 enrollment, participation, and completion of an approved program
29 shall be subsequent to the date of the current violation. Credit shall
30 not be given to any program activities completed prior to the date
31 of the current violation. The department shall advise the person
32 that after the completion of 12 months of the revocation period,
33 which may include credit for a suspension period served under
34 subdivision (c) of Section 13353.3, the person may apply to the
35 department for a restricted driver's license, subject to the following
36 conditions:

37 (A) The person has satisfactorily completed, subsequent to the
38 violation date of the current underlying conviction, either of the
39 following:

1 (i) The initial 12 months of an 18-month
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code.

4 (ii) The initial 12 months of a 30-month
5 driving-under-the-influence program licensed pursuant to Section
6 11836 of the Health and Safety Code, if available in the county of
7 the person's residence or employment, and the person agrees, as
8 a condition of the restriction, to continue satisfactory participation
9 in the 30-month driving-under-the-influence program.

10 (B) The person submits the "Verification of Installation" form
11 described in paragraph (2) of subdivision (g) of Section 13386.

12 (C) The person agrees to maintain the ignition interlock device
13 as required under subdivision (g) of Section 23575.

14 (D) The person provides proof of financial responsibility, as
15 defined in Section 16430.

16 (E) An individual convicted of a violation of Section 23152
17 punishable under Section 23550 may also, at any time after
18 sentencing, petition the court for referral to an 18-month
19 driving-under-the-influence program or, if available in the county
20 of the person's residence or employment, a 30-month
21 driving-under-the-influence program licensed pursuant to Section
22 11836 of the Health and Safety Code. Unless good cause is shown,
23 the court shall order the referral.

24 (F) The person pays all applicable reinstatement or reissue fees
25 and any restriction fee required by the department.

26 (G) The restriction shall remain in effect for the period required
27 in subdivision (f) of Section 23575.

28 (8) Upon a conviction or finding of a violation of subdivision
29 (a) of Section 23109 or Section 23109.1 that is punishable under
30 subdivision (e) of that section, the privilege shall be suspended for
31 a period of 90 days to six months, if ordered by the court. The
32 privilege may not be reinstated until the person gives proof of
33 financial responsibility, as defined in Section 16430.

34 (9) Upon a conviction or finding of a violation of subdivision
35 (a) of Section 23109 that is punishable under subdivision (f) of
36 that section, the privilege shall be suspended for a period of six
37 months, if ordered by the court. The privilege may not be reinstated
38 until the person gives proof of financial responsibility, as defined
39 in Section 16430.

1 (b) For the purpose of paragraphs (2) to (9), inclusive, of
2 subdivision (a), the finding of the juvenile court judge, the juvenile
3 hearing officer, or the referee of a juvenile court of a commission
4 of a violation of Section 23152 or 23153 or subdivision (a) of
5 Section 23109 or 23109.1, as specified in subdivision (a) of this
6 section, is a conviction.

7 (c) A judge of a juvenile court, juvenile hearing officer, or
8 referee of a juvenile court shall immediately report the findings
9 specified in subdivision (a) to the department.

10 (d) A conviction of an offense in a state, territory, or possession
11 of the United States, the District of Columbia, the Commonwealth
12 of Puerto Rico, or Canada that, if committed in this state, would
13 be a violation of Section 23152, is a conviction of Section 23152
14 for the purposes of this section, and a conviction of an offense
15 that, if committed in this state, would be a violation of Section
16 23153, is a conviction of Section 23153 for the purposes of this
17 section. The department shall suspend or revoke the privilege to
18 operate a motor vehicle pursuant to this section upon receiving
19 notice of that conviction.

20 (e) For the purposes of the restriction conditions specified in
21 paragraphs (3) to (7), inclusive, of subdivision (a), the department
22 shall terminate the restriction imposed pursuant to this section and
23 shall suspend or revoke the person's driving privilege upon receipt
24 of notification from the driving-under-the-influence program that
25 the person has failed to comply with the program requirements.
26 The person's driving privilege shall remain suspended or revoked
27 for the remaining period of the original suspension or revocation
28 imposed under this section and until all reinstatement requirements
29 described in this section are met.

30 (f) For the purposes of this section, completion of a program is
31 the following:

32 (1) Satisfactory completion of all program requirements
33 approved pursuant to program licensure, as evidenced by a
34 certificate of completion issued, under penalty of perjury, by the
35 licensed program.

36 (2) Certification, under penalty of perjury, by the director of a
37 program specified in Section 8001 of the Penal Code, that the
38 person has completed a program specified in Section 8001 of the
39 Penal Code.

(g) The holder of a commercial driver's license who was operating a commercial motor vehicle, as defined in Section 15210, at the time of a violation that resulted in a suspension or revocation of the person's noncommercial driving privilege under this section is not eligible for the restricted driver's license authorized under paragraphs (3) to (7), inclusive, of subdivision (a).

SEC. 15. Section 14601 of the Vehicle Code is amended to read:

14601. (a) No person shall drive a motor vehicle at any time when that person's driving privilege is suspended or revoked for reckless driving in violation of Section 23103, 23104, or 23105, any reason listed in subdivision (a) or (c) of Section 12806 authorizing the department to refuse to issue a license, negligent or incompetent operation of a motor vehicle as prescribed in subdivision (e) of Section 12809, or negligent operation as prescribed in Section 12810.5, if the person so driving has knowledge of the suspension or revocation. Knowledge shall be conclusively presumed if mailed notice has been given by the department to the person pursuant to Section 13106. The presumption established by this subdivision is a presumption affecting the burden of proof.

(b) A person convicted under this section shall be punished as follows:

(1) Upon a first conviction, by imprisonment in a county jail for not less than five days or more than six months and by a fine of not less than three hundred dollars (\$300) or more than one thousand dollars (\$1,000).

(2) If the offense occurred within five years of a prior offense that resulted in a conviction of a violation of this section or Section 14601.1, 14601.2, or 14601.5, by imprisonment in a county jail for not less than 10 days or more than one year and by a fine of not less than five hundred dollars (\$500) or more than two thousand dollars (\$2,000).

(c) If the offense occurred within five years of a prior offense that resulted in a conviction of a violation of this section or Section 14601.1, 14601.2, or 14601.5, and is granted probation, the court shall impose as a condition of probation that the person be confined in a county jail for at least 10 days.

(d) Nothing in this section prohibits a person from driving a motor vehicle, that is owned or utilized by the person's employer,

1 during the course of employment on private property that is owned
2 or utilized by the employer, except an offstreet parking facility as
3 defined in subdivision (c) of Section 12500.

4 (e) When the prosecution agrees to a plea of guilty or nolo
5 contendere to a charge of a violation of this section in satisfaction
6 of, or as a substitute for, an original charge of a violation of Section
7 14601.2, and the court accepts that plea, except, in the interest of
8 justice, when the court finds it would be inappropriate, the court
9 shall, pursuant to Section 23575, require the person convicted, in
10 addition to any other requirements, to install a certified ignition
11 interlock device on any vehicle that the person owns or operates
12 for a period not to exceed three years.

13 (f) This section also applies to the operation of an off-highway
14 motor vehicle on those lands to which the Chappie-Z'berg
15 Off-Highway Motor Vehicle Law of 1971 (Division 16.5
16 commencing with Section 38000)) applies as to off-highway
17 motor vehicles, as described in Section 38001.

18 SEC. 16. Section 21051 of the Vehicle Code is amended to
19 read:

20 21051. The following sections apply to trolley coaches:

21 (a) Sections 1800, 4000, 4001, 4002, 4003, 4006, 4009, 4150,
22 4151, 4152, 4153, 4155, 4156, 4158, 4166, 4300 to 4309, inclusive,
23 4450 to 4454, inclusive, 4457, 4458, 4459, 4460, 4600 to 4610,
24 inclusive, 4750, 4751, 4850, 4851, 4852, 4853, 5000, 5200 to
25 5205, inclusive, 5904, 6052, 8801, 9254, and 40001 with respect
26 to 4000, relating to original and renewal of registration.

27 (b) Sections 9250, 9265, 9400, 9406, 9407, 9408, 9550, 9552,
28 9553, 9554, 9800 to 9808, inclusive, 14901, 42230 to 42233,
29 inclusive, relating to registration and other fees.

30 (c) Sections 2800, 10851, 10852, 10853, 20001 to 20009,
31 inclusive, 21052, 21053, 21054, 21450 to 21457, inclusive, 21461,
32 21650, 21651, 21658, 21659, 21700, 21701, 21702, 21703, 21709,
33 21712, 21750, 21753, 21754, 21755, 21800, 21801, 21802, 21806,
34 21950, 21951, 22106, 22107, 22108, 22109, 22350, 22351, 22352,
35 22400, 22450 to 22453, inclusive, 23103, 23104, 23105, 23110,
36 23152, 23153, 40831, 42002 with respect to 10852 and 10853,
37 and 42004, relating to traffic laws.

38 (d) Sections 26706, 26707, and 26708, relating to equipment.

39 (e) Sections 17301, 17302, 17303, 21461, 35000, 35100, 35101,
40 35105, 35106, 35111, 35550, 35551, 35750, 35751, 35753, 40000.1

1 to 40000.25, inclusive, 40001, 40003, and 42031, relating to the
2 size, weight, and loading of vehicles.

3 ~~SEC. 17. Section 21107.8 of the Vehicle Code is amended to~~
4 ~~read:~~

5 ~~21107.8. (a) Any city or county may, by ordinance or~~
6 ~~resolution, find and declare that there are privately owned and~~
7 ~~maintained offstreet parking facilities as described in the ordinance~~
8 ~~or resolution within the city or county that are generally held open~~
9 ~~for use of the public for purposes of vehicular parking. Upon~~
10 ~~enactment by a city or county of the ordinance or resolution,~~
11 ~~Sections 22350, 23103, 23109, and 23109.1 and Division 16.5~~
12 ~~(commencing with Section 38000) shall apply to privately owned~~
13 ~~and maintained offstreet parking facilities, except as provided in~~
14 ~~subdivision (b):~~

15 ~~(b) Notwithstanding the provisions of subdivision (a), no~~
16 ~~ordinance or resolution enacted thereunder shall apply to an~~
17 ~~offstreet parking facility described therein unless the owner or~~
18 ~~operator has caused to be posted in a conspicuous place at each~~
19 ~~entrance to that offstreet parking facility a notice not less than 17~~
20 ~~by 22 inches in size with lettering not less than one inch in height,~~
21 ~~to the effect that the offstreet parking facility is subject to public~~
22 ~~traffic regulations and control.~~

23 ~~(c) No ordinance or resolution shall be enacted under subdivision~~
24 ~~(a) without a public hearing thereon and 10 days prior written~~
25 ~~notice to the owner and operator of the privately owned and~~
26 ~~maintained offstreet parking facility involved.~~

27 ~~(d) Section 22507.8 may be enforced without enactment of an~~
28 ~~ordinance or resolution as required under subdivision (a) or the~~
29 ~~posting of a notice at each entrance to the offstreet parking facility~~
30 ~~as required under subdivision (b):~~

31 ~~(e) The department shall not be required to provide patrol or~~
32 ~~enforce any provisions of this code on a privately owned and~~
33 ~~maintained offstreet parking facility subject to this code under this~~
34 ~~section except those provisions applicable to private property other~~
35 ~~than by action under this section.~~

36 ~~SEC. 18.~~

37 ~~SEC. 17. Section 23103 of the Vehicle Code is amended to~~
38 ~~read:~~

1 23103. (a) A person who drives a vehicle upon a highway in
2 willful or wanton disregard for the safety of persons or property
3 is guilty of reckless driving.

4 (b) A person who drives a vehicle in an offstreet parking
5 facility, as defined in subdivision (c) of Section 12500, in willful
6 or wanton disregard for the safety of persons or property is guilty
7 of reckless driving.

8 (c) Persons convicted of the offense of reckless driving shall be
9 punished by imprisonment in a county jail for not less than five
10 days nor more than 90 days or by a fine of not less than one
11 hundred forty-five dollars (\$145) nor more than one thousand
12 dollars (\$1,000), or by both that fine and imprisonment, except as
13 provided in Section 23104 or 23105.

14 ~~SEC. 19.~~

15 *SEC. 18.* Section 23104 of the Vehicle Code is amended to
16 read:

17 23104. (a) Except as provided in subdivision (b), whenever
18 reckless driving of a vehicle proximately causes bodily injury to
19 a person other than the driver, the person driving the vehicle shall,
20 upon conviction thereof, be punished by imprisonment in the
21 county jail for not less than 30 days nor more than six months or
22 by a fine of not less than two hundred twenty dollars (\$220) nor
23 more than one thousand dollars (\$1,000), or by both the fine and
24 imprisonment.

25 (b) A person convicted of reckless driving that proximately
26 causes great bodily injury, as defined in Section 12022.7 of the
27 Penal Code, to a person other than the driver, who previously has
28 been convicted of a violation of Section 23103, 23104, 23105,
29 23109, 23109.1, 23152, or 23153, shall be punished by
30 imprisonment in the state prison, by imprisonment in the county
31 jail for not less than 30 days nor more than six months or by a fine
32 of not less than two hundred twenty dollars (\$220) nor more than
33 one thousand dollars (\$1,000) or by both the fine and
34 imprisonment.

35 ~~SEC. 20. Section 23109.2 of the Vehicle Code is repealed.~~

36 ~~SEC. 21. Section 23109.2 is added to the Vehicle Code, to~~
37 ~~read:~~

38 ~~23109.2. (a) (1) Whenever a peace officer determines that a~~
39 ~~person was engaged in any of the activities set forth in paragraph~~
40 ~~(2), the peace officer may immediately arrest and take into custody~~

1 that person and may cause the removal and seizure of the motor
2 vehicle used in that offense in accordance with Chapter 10
3 (commencing with Section 22650). A motor vehicle so seized may
4 be impounded for not more than 30 days.

5 (2) (A) A motor vehicle speed contest, as described in
6 subdivision (a) of Section 23109.

7 (B) Reckless driving on a highway, as described in subdivision
8 (a) of Section 23103.

9 (C) Reckless driving in an offstreet parking facility, as described
10 in subdivision (b) of Section 23103.

11 (D) Exhibition of speed on a highway, as described in
12 subdivision (e) of Section 23109.

13 (b) The registered and legal owner of a vehicle that is removed
14 and seized under subdivision (a) or their agents shall be provided
15 the opportunity for a storage hearing to determine the validity of
16 the storage in accordance with Section 22852.

17 (e) (1) Notwithstanding Chapter 10 (commencing with Section
18 22650) or any other provision of law, an impounding agency shall
19 release a motor vehicle to the registered owner or his or her agent
20 prior to the conclusion of the impoundment period described in
21 subdivision (a) under any of the following circumstances:

22 (A) If the vehicle is a stolen vehicle.

23 (B) If the person alleged to have been engaged in the motor
24 vehicle speed contest, as described in subdivision (a), was not
25 authorized by the registered owner of the motor vehicle to operate
26 the motor vehicle at the time of the commission of the offense.

27 (C) If the registered owner of the vehicle was neither the driver
28 nor a passenger of the vehicle at the time of the alleged violation
29 pursuant to subdivision (a), or was unaware that the driver was
30 using the vehicle to engage in any of the activities described in
31 subdivision (a).

32 (D) If the legal owner or registered owner of the vehicle is a
33 rental car agency.

34 (E) If, prior to the conclusion of the impoundment period, a
35 citation or notice is dismissed under Section 40500, criminal
36 charges are not filed by the district attorney because of a lack of
37 evidence, or the charges are otherwise dismissed by the court.

38 (2) A vehicle shall be released pursuant to this subdivision only
39 if the registered owner or his or her agent presents a currently valid

1 driver's license to operate the vehicle and proof of current vehicle
2 registration, or if ordered by a court.

3 (3) If, pursuant to subparagraph (E) of paragraph (1) a motor
4 vehicle is released prior to the conclusion of the impoundment
5 period, neither the person charged with a violation of subdivision
6 (a) of Section 23109 nor the registered owner of the motor vehicle
7 is responsible for towing and storage charges nor shall the motor
8 vehicle be sold to satisfy those charges.

9 (d) A vehicle seized and removed under subdivision (a) shall
10 be released to the legal owner of the vehicle, or the legal owner's
11 agent, on or before the 30th day of impoundment if all of the
12 following conditions are met:

13 (1) The legal owner is a motor vehicle dealer, bank, credit union,
14 acceptance corporation, or other licensed financial institution
15 legally operating in this state, or is another person, not the
16 registered owner, holding a security interest in the vehicle.

17 (2) The legal owner or the legal owner's agent pays all towing
18 and storage fees related to the impoundment of the vehicle. No
19 lien sale processing fees shall be charged to a legal owner who
20 redeems the vehicle on or before the 15th day of impoundment.

21 (3) The legal owner or the legal owner's agent presents
22 foreclosure documents or an affidavit of repossession for the
23 vehicle.

24 (e) (1) The registered owner or his or her agent is responsible
25 for all towing and storage charges related to the impoundment,
26 and any administrative charges authorized under Section 22850.5.

27 (2) Notwithstanding paragraph (1), if the person convicted of
28 engaging in the activities set forth in paragraph (2) of subdivision
29 (a) was not authorized by the registered owner of the motor vehicle
30 to operate the motor vehicle at the time of the commission of the
31 offense, the court shall order the convicted person to reimburse
32 the registered owner for any towing and storage charges related
33 to the impoundment, and any administrative charges authorized
34 under Section 22850.5 incurred by the registered owner to obtain
35 possession of the vehicle, unless the court finds that the person
36 convicted does not have the ability to pay all or part of those
37 charges.

38 (3) If the vehicle is a rental vehicle, the rental car agency may
39 require the person to whom the vehicle was rented to pay all towing
40 and storage charges related to the impoundment and any

1 ~~administrative charges authorized under Section 22850.5 that were~~
2 ~~incurred by the rental car agency in connection with obtaining~~
3 ~~possession of the vehicle.~~

4 ~~(4) The owner is not liable for any towing and storage charges~~
5 ~~related to the impoundment if acquittal or dismissal occurs.~~

6 ~~(5) The vehicle may not be sold prior to the defendant's~~
7 ~~conviction.~~

8 ~~(6) The impounding agency is responsible for the actual costs~~
9 ~~incurred by the towing agency as a result of the impoundment~~
10 ~~should the registered owner be absolved of liability for those~~
11 ~~charges pursuant to paragraph (3) of subdivision (c).~~
12 ~~Notwithstanding this provision, nothing shall prohibit impounding~~
13 ~~agencies from making prior payment arrangements to satisfy this~~
14 ~~requirement.~~

15 ~~(f) Any period when a vehicle is subjected to storage under this~~
16 ~~section shall be included as part of the period of impoundment~~
17 ~~ordered by the court under subdivision (h) of Section 23109.~~

18 ~~SEC. 22. Section 40000.15 of the Vehicle Code is amended to~~
19 ~~read:~~

20 ~~40000.15. A violation of any of the following provisions shall~~
21 ~~constitute a misdemeanor, and not an infraction:~~

22 ~~Subdivision (g), (j), (k), (l), or (m) of Section 22658, relating to~~
23 ~~unlawfully towed or stored vehicles.~~

24 ~~Sections 23103, 23104, and 23105, relating to reckless driving.~~

25 ~~Sections 23109 and 23109.1, relating to speed contests or~~
26 ~~exhibitions.~~

27 ~~Subdivision (a) of Section 23110, relating to throwing at vehicles.~~

28 ~~Section 23152, relating to driving under the influence.~~

29 ~~Subdivision (b) of Section 23222, relating to possession of~~
30 ~~marijuana.~~

31 ~~Subdivision (a) or (b) of Section 23224, relating to persons under~~
32 ~~21 years of age knowingly driving, or being a passenger in, a motor~~
33 ~~vehicle carrying an alcoholic beverage.~~

34 ~~Section 23253, relating to directions on toll highways or~~
35 ~~vehicular crossings.~~

36 ~~Section 23332, relating to trespassing.~~

37 ~~Section 24002.5, relating to unlawful operation of a farm vehicle.~~

38 ~~Section 24011.3, relating to vehicle bumper strength notices.~~

39 ~~Section 27150.1, relating to sale of exhaust systems.~~

40 ~~Section 27362, relating to child passenger seat restraints.~~

1 ~~Section 28050, relating to true mileage driven.~~

2 ~~Section 28050.5, relating to nonfunctional odometers.~~

3 ~~Section 28051, relating to resetting odometers.~~

4 ~~Section 28051.5, relating to devices to reset odometers.~~

5 ~~Subdivision (d) of Section 28150, relating to possessing four or~~
6 ~~more jamming devices.~~

7 ~~SEC. 23. Section 40303 of the Vehicle Code is amended to~~
8 ~~read:~~

9 ~~40303. (a) Whenever a person is arrested for any of the~~
10 ~~offenses listed in subdivision (b) and the arresting officer is not~~
11 ~~required to take the person without unnecessary delay before a~~
12 ~~magistrate, the arrested person shall, in the judgment of the~~
13 ~~arresting officer, either be given a 10 days' notice to appear, or be~~
14 ~~taken without unnecessary delay before a magistrate within the~~
15 ~~county in which the offense charged is alleged to have been~~
16 ~~committed and who has jurisdiction of the offense and is nearest~~
17 ~~or most accessible with reference to the place where the arrest is~~
18 ~~made. The officer may require that the arrested person, if he or~~
19 ~~she does not have satisfactory identification, place a right~~
20 ~~thumbprint, or a left thumbprint or fingerprint if the person has a~~
21 ~~missing or disfigured right thumb, on the 10 days' notice to appear~~
22 ~~when a 10 days' notice is provided. Except for law enforcement~~
23 ~~purposes relating to the identity of the arrestee, a person or entity~~
24 ~~shall not sell, give away, allow the distribution of, include in a~~
25 ~~database, or create a database with, this print.~~

26 ~~(b) Subdivision (a) applies to the following offenses:~~

27 ~~(1) Section 10852 or 10853, relating to injuring or tampering~~
28 ~~with a vehicle.~~

29 ~~(2) Section 23103, 23104, or 23105, relating to reckless driving.~~

30 ~~(3) Subdivision (a) of Section 2800, insofar as it relates to a~~
31 ~~failure or refusal of the driver of a vehicle to stop and submit to~~
32 ~~an inspection or test of the lights upon the vehicle pursuant to~~
33 ~~Section 2804, that is punishable as a misdemeanor.~~

34 ~~(4) Subdivision (a) of Section 2800, insofar as it relates to a~~
35 ~~failure or refusal of the driver of a vehicle to stop and submit to a~~
36 ~~brake test that is punishable as a misdemeanor.~~

37 ~~(5) Subdivision (a) of Section 2800, relating to the refusal to~~
38 ~~submit vehicle and load to an inspection, measurement, or weighing~~
39 ~~as prescribed in Section 2802 or a refusal to adjust the load or~~
40 ~~obtain a permit as prescribed in Section 2803.~~

~~(6) Subdivision (a) of Section 2800, insofar as it relates to a driver who continues to drive after being lawfully ordered not to drive by a member of the Department of the California Highway Patrol for violating the driver's hours of service or driver's log regulations adopted pursuant to subdivision (a) of Section 34501.~~

~~(7) Subdivision (b), (c), or (d) of Section 2800, relating to a failure or refusal to comply with a lawful out-of-service order.~~

~~(8) Section 20002 or 20003, relating to duties in the event of an accident.~~

~~(9) Section 23109 or 23109.1, relating to participating in a speed contest or exhibition of speed.~~

~~(10) Section 14601, 14601.1, 14601.2, or 14601.5, relating to driving while the privilege to operate a motor vehicle is suspended or revoked.~~

~~(11) When the person arrested has attempted to evade arrest.~~

~~(12) Section 23332, relating to persons upon vehicular crossings.~~

~~(13) Section 2813, relating to the refusal to stop and submit a vehicle to an inspection of its size, weight, and equipment.~~

~~(14) Section 21461.5, insofar as it relates to a pedestrian who, after being cited for a violation of Section 21461.5, is, within 24 hours, again found upon the freeway in violation of Section 21461.5 and thereafter refuses to leave the freeway after being lawfully ordered to do so by a peace officer and after having been informed that his or her failure to leave could result in his or her arrest.~~

~~(15) Subdivision (a) of Section 2800, insofar as it relates to a pedestrian who, after having been cited for a violation of subdivision (a) of Section 2800 for failure to obey a lawful order of a peace officer issued pursuant to Section 21962, is within 24 hours again found upon the bridge or overpass and thereafter refuses to leave after being lawfully ordered to do so by a peace officer and after having been informed that his or her failure to leave could result in his or her arrest.~~

~~(16) Section 21200.5, relating to riding a bicycle while under the influence of an alcoholic beverage or a drug.~~

~~(17) Section 21221.5, relating to operating a motorized scooter while under the influence of an alcoholic beverage or a drug.~~

~~(e) (1) A person contesting a charge by claiming under penalty of perjury not to be the person issued the notice to appear may choose to submit a right thumbprint, or a left thumbprint if the~~

1 person has a missing or disfigured right thumb, to the issuing court
2 through his or her local law enforcement agency for comparison
3 with the one placed on the notice to appear. A local law
4 enforcement agency providing this service may charge the requester
5 no more than the actual costs. The issuing court may refer the
6 thumbprint submitted and the notice to appear to the prosecuting
7 attorney for comparison of the thumbprints. When there is no
8 thumbprint or fingerprint on the notice to appear, or when the
9 comparison of thumbprints is inconclusive, the court shall refer
10 the notice to appear or copy thereof back to the issuing agency for
11 further investigation, unless the court finds that referral is not in
12 the interest of justice.

13 (2) ~~Upon initiation of the investigation or comparison process~~
14 ~~by referral of the court, the court shall continue the case and the~~
15 ~~speedy trial period shall be tolled for 45 days.~~

16 (3) ~~Upon receipt of the issuing agency's or prosecuting~~
17 ~~attorney's response, the court may make a finding of factual~~
18 ~~innocence pursuant to Section 530.6 of the Penal Code if the court~~
19 ~~determines that there is insufficient evidence that the person cited~~
20 ~~is the person charged and shall immediately notify the Department~~
21 ~~of Motor Vehicles of its determination. If the Department of Motor~~
22 ~~Vehicles determines the citation or citations in question formed~~
23 ~~the basis of a suspension or revocation of the person's driving~~
24 ~~privilege, the department shall immediately set aside the action.~~

25 (4) ~~If the prosecuting attorney or issuing agency fails to respond~~
26 ~~to a court referral within 45 days, the court shall make a finding~~
27 ~~of factual innocence pursuant to Section 530.6 of the Penal Code,~~
28 ~~unless the court finds that a finding of factual innocence is not in~~
29 ~~the interest of justice.~~

30 (5) ~~The citation or notice to appear may be held by the~~
31 ~~prosecuting attorney or issuing agency for future adjudication~~
32 ~~should the arrestee who received the citation or notice to appear~~
33 ~~be found.~~

34 SEC. 24.

35 SEC. 19. Section 40800 of the Vehicle Code is amended to
36 read:

37 40800. (a) A traffic officer on duty for the exclusive or main
38 purpose of enforcing the provisions of Division 10 ~~or 11 of this~~
39 ~~code (commencing with Section 2000) or 11 (commencing with~~
40 ~~Section 21000)~~ shall wear a full distinctive uniform, and if the

1 officer while on duty uses a motor vehicle, it must be painted a
2 distinctive color specified by the commissioner.

3 (b) This section does not apply to an officer assigned exclusively
4 to the duty of investigating and securing evidence in reference to
5 the theft of a vehicle or failure of a person to stop in the event of
6 an accident or violation of Section 23109 or 23109.1 or in reference
7 to a felony charge, or to an officer engaged in serving a warrant
8 when the officer is not engaged in patrolling the highways for the
9 purpose of enforcing the traffic laws.

10 ~~SEC. 25.~~

11 *SEC. 20.* Section 40804 of the Vehicle Code is amended to
12 read:

13 40804. (a) In any prosecution under this code upon a charge
14 involving the speed of a vehicle, an officer or other person shall
15 be incompetent as a witness if the testimony is based upon or
16 obtained from or by the maintenance or use of a speed trap.

17 (b) An officer arresting, or participating or assisting in the arrest
18 of, a person so charged while on duty for the exclusive or main
19 purpose of enforcing the provisions of Divisions 10 ~~and 11~~
20 (*commencing with Section 2000*) and 11 (*commencing with Section*
21 *21000*) is incompetent as a witness if at the time of that arrest he
22 was not wearing a distinctive uniform, or was using a motor vehicle
23 not painted the distinctive color specified by the commissioner.

24 (c) This section does not apply to an officer assigned exclusively
25 to the duty of investigating and securing evidence in reference to
26 the theft of a vehicle or failure of a person to stop in the event of
27 an accident or violation of Section 23109 or 23109.1 or in reference
28 to a felony charge or to an officer engaged in serving a warrant
29 when the officer is not engaged in patrolling the highways for the
30 purpose of enforcing the traffic laws.

31 ~~SEC. 26.~~

32 *SEC. 21.* Section 41610 of the Vehicle Code is amended to
33 read:

34 41610. (a) Whenever a person who is in custody enters a guilty
35 plea to an infraction or misdemeanor under this code and there is
36 outstanding any warrant of arrest for a violation of this code or a
37 local ordinance adopted pursuant to this code that is filed in any
38 court within the same county, the defendant may elect to enter a
39 guilty plea to any of these charged offenses of which the court has
40 a record, except offenses specified in subdivision (b). The court

1 shall sentence the defendant for each of the offenses for which a
2 guilty plea has been entered pursuant to this section, and shall
3 notify the appropriate court or department in each affected judicial
4 district of the disposition. After receiving that notice of disposition,
5 the court in which each complaint was filed shall prepare and
6 transmit to the department any certification required by applicable
7 provisions of Section 40509 as if the court had heard the case.

8 (b) Subdivision (a) does not authorize entry of a guilty plea as
9 specified in that subdivision to an offense for which a notice of
10 parking violation has been issued, nor to any offense specified in
11 Section 14601.2, 14601.3, 20002, 23103, 23104, ~~23105~~ 23105,
12 23152, or 23153, subdivision (a) of Section 14601, or subdivision
13 (a) of Section 14601.1.

14 ~~SEC. 27. Section 42008 of the Vehicle Code is amended to~~
15 ~~read:~~

16 ~~42008. (a) Any county may operate an amnesty program for~~
17 ~~delinquent fines and bail imposed for an infraction or misdemeanor~~
18 ~~violation of the Vehicle Code, except parking violations of the~~
19 ~~Vehicle Code and violations of Section 23103, 23104, 23105,~~
20 ~~23152, or 23153. The program shall be implemented by the courts~~
21 ~~in accordance with Judicial Council guidelines, and shall apply to~~
22 ~~infraction or misdemeanor violations of the Vehicle Code, except~~
23 ~~parking violations, upon which a fine or bail was delinquent on or~~
24 ~~before April 1, 1991.~~

25 ~~(b) Under the amnesty program, any person owing a fine or bail~~
26 ~~due on or before April 1, 1991, that was imposed for an infraction~~
27 ~~or misdemeanor violation of the Vehicle Code, except violations~~
28 ~~of Section 23103, 23104, 23105, 23152, or 23153 or parking~~
29 ~~violations, may pay to the superior court the amount scheduled by~~
30 ~~the court, which shall be either (1) 70 percent of the total fine or~~
31 ~~bail or (2) the amount of one hundred dollars (\$100) for an~~
32 ~~infraction or five hundred dollars (\$500) for a misdemeanor. This~~
33 ~~amount shall be accepted by the court in full satisfaction of the~~
34 ~~delinquent fine or bail.~~

35 ~~(c) No criminal action shall be brought against any person for~~
36 ~~a delinquent fine or bail paid under this amnesty program and no~~
37 ~~other additional penalties shall be assessed for the late payment~~
38 ~~of the fine or bail made under the amnesty program.~~

39 ~~(d) Notwithstanding Section 1463 of the Penal Code, the total~~
40 ~~amount of funds collected by the courts pursuant to the amnesty~~

1 ~~program created by this section shall be deposited in the county~~
2 ~~treasury.~~

3 ~~SEC. 28.~~

4 *SEC. 22.* Section 42008.5 of the Vehicle Code is amended to
5 read:

6 42008.5. (a) A county may establish a one-time amnesty
7 program for fines and bail that have been delinquent for not less
8 than six months as of the date upon which the program commences
9 and were imposed for an infraction or misdemeanor violation of
10 this code, except parking violations of this code and violations of
11 Section 23103, 23104, 23105, 23152, or 23153.

12 (b) A person owing a fine or bail that is eligible for amnesty
13 under the program may pay to the superior or juvenile court the
14 amount scheduled by the court, that shall be accepted by the court
15 in full satisfaction of the delinquent fine or bail and shall be either
16 of the following:

17 (1) Seventy percent of the total fine or bail.

18 (2) The amount of one hundred dollars (\$100) for an infraction
19 or five hundred dollars (\$500) for a misdemeanor.

20 (c) The amnesty program shall be implemented by the courts
21 of the county on a one-time basis and conducted in accordance
22 with Judicial Council guidelines for a period of not less than 120
23 days. The program shall operate not longer than six months from
24 the date the court initiates the program.

25 (d) No criminal action shall be brought against a person for a
26 delinquent fine or bail paid under the amnesty program and no
27 other additional penalties, except as provided in Section 1214.1
28 of the Penal Code, shall be assessed for the late payment of the
29 fine or bail made under the amnesty program.

30 (e) Notwithstanding Section 1463 of the Penal Code, the total
31 amount of funds collected by the courts pursuant to the amnesty
32 program shall be deposited in the county treasury until 150 percent
33 of the cost of operating the program, excluding capital
34 expenditures, have been so deposited. Thereafter, 37 percent of
35 the amount of the delinquent fines and bail deposited in the county
36 treasury shall be distributed by the county pursuant to Section 1464
37 of the Penal Code, 26 percent of the amount deposited shall be
38 distributed by the county pursuant to Article 2 (commencing with
39 Section 76100) of Chapter 12 of Title 8 of the Government Code,

1 and the remaining 37 percent of the amount deposited shall be
2 retained by the county.

3 (f) The deposit of fines and bails in the county treasury as
4 described in subdivision (e) is limited to the amnesty program
5 described in this section, and it is the intent of the Legislature that
6 it shall not be considered a precedent with respect to affecting
7 programs that receive funding pursuant to Section 1463 of the
8 Penal Code.

9 (g) Each county participating in the program shall file, not later
10 than six months after the termination of the program, a written
11 report with the Assembly Committee on Judiciary and the Senate
12 Committee on Judiciary. The report shall summarize the amount
13 of money collected, operating costs of the program, distribution
14 of funds collected, and when possible, how the funds were
15 expended.

16 ~~SEC. 29.~~

17 *SEC. 23.* Section 42009 of the Vehicle Code is amended to
18 read:

19 42009. (a) For an offense specified in subdivision (b),
20 committed by the driver of a vehicle within a highway construction
21 or maintenance area, during any time when traffic is regulated or
22 restricted through or around that area pursuant to Section 21367,
23 when the highway construction or maintenance is actually being
24 performed in the area by workers acting in their official capacity,
25 the fine, in a misdemeanor case, shall be double the amount
26 otherwise prescribed. In an infraction case, the fine shall be one
27 category higher than the penalty otherwise prescribed by the
28 uniform traffic penalty schedule established pursuant to Section
29 40310.

30 (b) A violation of any of the following provisions is an offense
31 that is subject to subdivision (a):

32 (1) Section 21367, relating to regulation of traffic at a
33 construction site.

34 (2) Article 3 (commencing with Section 21450) of Chapter 2
35 of Division 11, relating to obedience to traffic devices.

36 (3) Chapter 3 (commencing with Section 21650) of Division
37 11, relating to driving, overtaking, and passing.

38 (4) Chapter 4 (commencing with Section 21800) of Division
39 11, relating to yielding the right-of-way.

(5) Chapter 6 (commencing with Section 22100) of Division 11, relating to turning and stopping and turn signals.

(6) Chapter 7 (commencing with Section 22348) of Division 11, relating to speed limits.

(7) Chapter 8 (commencing with Section 22450) of Division 11, relating to special traffic stops.

(8) Section 23103, relating to reckless driving.

(9) Section 23104 or 23105, relating to reckless driving that results in bodily injury to another.

(10) Section 23109 or 23109.1, relating to speed contests.

(11) Section 23152, relating to driving under the influence of alcohol or a controlled substance, or a violation of Section 23103, as specified in Section 23103.5, relating to alcohol-related reckless driving.

(12) Section 23153, relating to driving under the influence of alcohol or a controlled substance, that results in bodily injury to another.

(13) Section 23220, relating to drinking while driving.

(14) Section 23221, relating to drinking in a motor vehicle while on the highway.

(15) Section 23222, relating to driving while possessing an open alcoholic beverage container.

(16) Section 23223, relating to being in a vehicle on the highway while possessing an open alcoholic beverage container.

(17) Section 23224, relating to being a driver or passenger under the age of 21 possessing an open alcoholic beverage container.

(18) Section 23225, relating to being the owner or driver of a vehicle in which there is an open alcoholic beverage container.

(19) Section 23226, relating to being a passenger in a vehicle in which there is an open alcoholic beverage container.

(c) This section applies only when construction or maintenance work is actually being performed by workers, and there are work zone traffic control devices, traffic controls or warning signs, or any combination of those, to notify motorists and pedestrians of construction or maintenance workers in the area.

~~SEC. 30.~~

SEC. 24. Section 42010 of the Vehicle Code is amended to read:

42010. (a) For any offense specified in subdivision (b) that is committed by the driver of a vehicle within an area that has been

1 designated as a Safety Enhancement-Double Fine Zone pursuant
2 to Section 97 and following of the Streets and Highways Code,
3 the fine, in a misdemeanor case, shall be double the amount
4 otherwise prescribed, and, in an infraction case, the fine shall be
5 one category higher than the penalty otherwise prescribed by the
6 uniform traffic penalty schedule established pursuant to Section
7 40310.

8 (b) A violation of any of the following provisions is an offense
9 that is subject to subdivision (a):

10 (1) Chapter 3 (commencing with Section 21650) of Division
11 11, relating to driving, overtaking, and passing.

12 (2) Chapter 7 (commencing with Section 22348) of Division
13 11, relating to speed limits.

14 (3) Section 23103, relating to reckless driving.

15 (4) Section 23104 or 23105, relating to reckless driving that
16 results in bodily injury to another.

17 (5) Section 23109 or 23109.1, relating to speed contests.

18 (6) Section 23152, relating to driving under the influence of
19 alcohol or a controlled substance, or a violation of Section 23103,
20 as specified in Section 23103.5, relating to alcohol-related reckless
21 driving.

22 (7) Section 23153, relating to driving under the influence of
23 alcohol or a controlled substance, which results in bodily injury
24 to another.

25 (8) Section 23220, relating to drinking while driving.

26 (9) Section 23221, relating to drinking in a motor vehicle while
27 on the highway.

28 (10) Section 23222, relating to driving while possessing an open
29 alcoholic beverage container.

30 (11) Section 23223, relating to being in a vehicle on the highway
31 while possessing an open alcoholic beverage container.

32 (12) Section 23224, relating to being a driver or passenger under
33 21 years of age possessing an open alcoholic beverage container.

34 (13) Section 23225, relating to being the owner or driver of a
35 vehicle in which there is an open alcoholic beverage container.

36 (14) Section 23226, relating to being a passenger in a vehicle
37 in which there is an open alcoholic beverage container.

38 (c) This section applies only when traffic controls or warning
39 signs have been placed pursuant to Section 97 or 97.1 of the Streets
40 and Highways Code.

1 (d) (1) Notwithstanding any other provision of law, the
2 enhanced fine imposed pursuant to this section shall be based only
3 on the base fine imposed for the underlying offense and shall not
4 include any other enhancements imposed pursuant to law.

5 (2) Notwithstanding any other provision of law, any additional
6 penalty, forfeiture, or assessment imposed by any other statute
7 shall be based on the amount of the base fine before enhancement
8 or doubling and shall not be based on the amount of the enhanced
9 fine imposed pursuant to this section.

10 ~~SEC. 31.~~

11 *SEC. 25.* No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution for certain
13 costs that may be incurred by a local agency or school district
14 because, in that regard, this act creates a new crime or infraction,
15 eliminates a crime or infraction, or changes the penalty for a crime
16 or infraction, within the meaning of Section 17556 of the
17 Government Code, or changes the definition of a crime within the
18 meaning of Section 6 of Article XIII B of the California
19 Constitution.

20 However, if the Commission on State Mandates determines that
21 this act contains other costs mandated by the state, reimbursement
22 to local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.